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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
-----x

3 UNITED STATES OF AMERICA,

4 v.

14-cr-716 (VM)

5 BAKTASH AKASHA ABDALLA,
6 IBRAHIM AKASHA ABDALLAH,
GULAM HUSSEIN, and
VIJAYGIRI GOSWAMI,

7 Defendants.
-----x

9
10 New York, N.Y.
February 10, 2017
1:45 p.m.
11

12 Before:

13 HON. VICTOR MARRERO

14 District Judge
15
16 APPEARANCES

17 PREET BHARARA
United States Attorney for the
Southern District of New York
18 BY: MICHAEL D. LOCKARD, ESQ.
EMIL J. BOVE III, ESQ.
19 Assistant United States Attorneys

20 JEFFREY G. PITTELL, ESQ.
Attorney for Defendant Abdalla
21 Maher & Pittell, LLP

22 DAWN M. CARDI, ESQ.
Attorney for Defendant Abdallah
23 Cardi & Edgar LLP

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1 APPEARANCES (Cont'd)

2 FEDERAL DEFENDERS OF NEW YORK INC.

3 Attorneys for Defendant
BY: PHILIP L. WEINSTEIN, ESQ.

4 DANIEL N. ARSHACK, ESQ.

5 Attorney for Defendant Goswami
Arshack, Hajek & Lehrman PLLC

6 Also Present: Madhu Mishra
7 Urdu Interpreter

8 Beston Mwakalinga
9 Swahili interpreter

10 (In open court)

11 THE COURT: This is a proceeding in the matter of
12 United States v. Abdalla. It's Docket No. 14-cr-0716. Counsel
13 please enter your appearances for the record.

14 MR. LOCKARD: Good afternoon, your Honor. Michael
15 Lockard and Emil Bove for the government.

16 MS. CARDI: Good afternoon, your Honor. Dawn Cardi
17 for Ibrahim Abdallah.

18 MR. PITTELL: Good afternoon, your Honor. Jeffrey
19 Pittell appearing for Akasha Abdalla, appearing in the jury
20 box.

21 MR. ARSHACK: Daniel Arshack, A-r-s-h-a-c-k, on behalf
22 of Vijay Goswami.

23 MR. WEINSTEIN: Phil Weinstein, Federal Defenders, for
24 Mr. Hussain.

25 THE COURT: This is the defendants' initial appearance

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1 before the Court following their arraignment on the superseding
2 indictment. Mr. Lockard, would you bring the Court up to date
3 on where the matter stands insofar as the government's
4 discovery obligation and schedule.

5 MR. LOCKARD: Yes, your Honor. So as the Court noted,
6 the defendants were each presented and arraigned before the
7 magistrate judge on January 31. We have provided defense
8 counsel with proposed stipulated protective orders and draft
9 translation stipulations governing the discovery in this matter
10 and have received executed copies of those as of today from, I
11 believe, three of defense counsel.

12 We have also advised that the discovery in this matter
13 consists principally of electronic data recordings, the largest
14 component of that totaling slightly above 50 gigabytes of data.
15 We have also received --

16 THE COURT: Mr. Lockard, let me stop you for a moment.
17 I just noted one thing, matter of housekeeping, which this
18 Court usually takes care of. I note that one or more of the
19 defendants may be following this proceeding with assistance of
20 interpretation. It is the practice of this Court to confirm on
21 the record the identity of the interpreter and that the
22 interpreter is either on the staff of the court or certified.

23 URDU INTERPRETER: Madhu Mishra, official Urdu
24 interpreter.

25 SWAHILI INTERPRETER: Beston Mwakalinga, interpreter

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1 for the Court.

2 THE COURT: Through the interpreter, I would like to
3 confirm that the defendant or defendants are in fact following
4 the proceeding and will be able to understand it fully with the
5 assistance of this interpretation?

6 URDU INTERPRETER: Yes.

7 THE COURT: All right. Thank you.

8 Mr. Lockard, you may proceed.

9 MR. LOCKARD: Thank you, your Honor.

10 So the discovery in this matter consists principally
11 of electronic data, totaling slightly above 50 gigabytes of
12 data. We have received flash drives of a sufficient capacity,
13 I believe, from approximately three defense counsel. We
14 anticipate copying the discovery to those flash drives and
15 being able to produce it within the next two weeks.

16 THE COURT: All right. And what is the government's
17 relation with regards to a follow-up conference? When do you
18 think the government will be ready?

19 MR. LOCKARD: I think that is a question that is
20 largely driven by defense counsel's ability to review the
21 discovery and be prepared to address issues that they may want
22 to raise at the next conference.

23 To give the Court a sense of what that will involve,
24 as I noted, this investigation generated large volumes of audio
25 and video recordings. Those recordings are in multiple

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1 languages, including English, Arabic, and Urdu. We will be
2 providing, pursuant to the draft translation stipulation, such
3 summaries or transcripts as we may have available to us. But I
4 imagine defense counsel may also wish to enlist the assistance
5 of linguists to review discovery.

6 So I would possibly pose the question to the defense
7 counsel.

8 THE COURT: In that event, I will turn to defendants'
9 counsel. In light of what the government has just represented
10 concerning the nature of the discovery and its timing, how long
11 you would need in order to review and be prepared to back for a
12 follow-up conference. Mr. Weinstein.

13 MR. WEINSTEIN: Your Honor, I have conferred among my
14 fellow defense counsel, and given the foreign language and the
15 need for us to go -- and everybody is incarcerated -- I think
16 that we would request the end of April for the next conference.

17 THE COURT: All right. Let's look for a day end of
18 April.

19 THE CLERK: April 21, 11:30. Does that work for
20 everyone?

21 MR. WEINSTEIN: I think -- a second --

22 MR. ARSHACK: Your Honor, do you exclusively schedule
23 on Fridays?

24 THE COURT: Yes.

25 MR. ARSHACK: In which case that's fine with me.

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1 MR. WEINSTEIN: April 21st is fine.

2 MS. CARDI: That's fine, your Honor, 11:30.

3 THE COURT: Mr. Lockard, is there a motion on that
4 schedule?

5 MR. LOCKARD: Yes, your Honor. The government would
6 request exclusion of time under the Speedy Trial Act until
7 April 21st, 2017 so defense counsel and their clients can
8 review discovery that the government is in the process of
9 producing and can consider possible motions or other pretrial
10 issues in connection with that review of discovery.

11 THE COURT: All right. Any opposition objections to
12 the government's motion?

13 MR. ARSHACK: No, your Honor.

14 MS. CARDI: No, your Honor.

15 THE COURT: Hearing none, on the government's motion,
16 I am excluding adjourned time from Speedy Trial allocations
17 from today through April 21. No objections recorded by
18 defendants. The motion is granted. I find that the reasons
19 conveyed to the Court warrant exclusion of time, as it is
20 intended to ensure the effectiveness of counsel and prevent any
21 miscarriage of justice.

22 The Court is satisfied that the ends of justice served
23 by the granting of this continuance outweigh the best interests
24 of the public and the defendants in a Speedy Trial. This order
25 of exclusion of time is entered pursuant to the provisions of

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1 the Speedy Trial Act, Title 18 U.S.C. §§ 3161(h)(7)(B)(2) and
2 (4).

3 If there is nothing else, I thank you. Have a good
4 day.

5 MR. WEINSTEIN: Your Honor, I have a medical care
6 application which was ordered in mag court. Mr. Hussain needs
7 daily shots of insulin. He's diabetic. He also has an open
8 wound on his foot from, I think, a toe amputation. He is
9 getting sporadic shots of insulin, not every day, and my
10 understanding is it's important that that be done on a regular
11 basis. And also, he has a festering wound which hasn't been
12 cared for.

13 I mentioned it to the government to see if they could
14 do anything. The magistrate judge has already ordered it. If
15 that doesn't work, I probably would write a letter to the
16 Court.

17 All right. Thank you. Mr. Lockard, anything on this?

18 MR. LOCKARD: Yes, your Honor. This is a matter that
19 was also raised at the defendant's presentment and arraignment.
20 We conveyed these medical issues to legal counsel for the
21 Bureau of Prisons to ensure that the medical staff was alerted
22 to them. And we will follow up to ensure that it is
23 appropriately addressed. And I'm sure the Court will hear if
24 it's not.

25 THE COURT: All right. I thank you. Have a good day.

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1 MR. PITTELL: Judge, one matter.

2 THE COURT: Yes. I'm sorry.

3 MR. PITTELL: All four defendants have separation
4 orders amongst themselves. I speak on behalf of all of us.
5 We've addressed this issue with the government. They're going
6 to give it some consideration. I'm just letting the Court know
7 that in the event we cannot agree upon a resolution, we may
8 write the Court on that matter and be back here.

9 THE COURT: All right.

10 MR. ARSHACK: On behalf of Mr. Goswami, your Honor --
11 and I've raised this issue as well with government's counsel --
12 it's a minor issue, though not to Mr. Goswami: he needs reading
13 glasses. The commissary currently doesn't have them and
14 apparently it's going to take months and months to obtain them.
15 I have no contact with legal counsel --

16 THE COURT: We agree to get them.

17 MR. ARSHACK: Exactly what I'm going to do. And I'm
18 going to deliver them to legal counsel at the MCC, and
19 hopefully they'll get them to him promptly. If only I could
20 hand them to him, we would be in good shape.

21 THE COURT: Put it in the chit.

22 MR. ARSHACK: There you go.

23 THE COURT: Anything else?

24 MR. ARSHACK: No, that's all, Judge. Thank you.

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